

## REMARKS

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 1, 5, 8, 12, and 18 have been amended. Claims 1 and 3-20 are pending.

### Claim Rejections - 35 U.S.C. § 112

Claims 1 and 3-17 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 12 have been amended to more clearly define the invention. Therefore, Applicants submit that the 112 rejections have been overcome.

### Claim Rejections - 35 U.S.C. § 103

Claims 1, 3, 4, 6-10 and 12-14, 16 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,953,314 issued to Ganmukhi et al. in view of U.S. Patent No. 5,802,047 issued to Kinoshita and further in view of U.S. Patent No. 6,442,135 issued to Ofek.

Claim 1 recites the following:

a first interface comprising a plurality of physical communication ports to transmit data to and receive data from a plurality of network devices;

a first control unit communicatively coupled to the first interface to process at least a first subset of the data;

a second control unit communicatively coupled to the first interface and the first control unit to process at least a second subset of the data; and

a logical network interface to provide multiple logical communication ports, the logical network interface communicatively coupled between the first interface and the first and second control units, wherein the logical network interface is communicatively coupled to each of the physical communication ports of the first interface by at least one signal line such that either one of the first and second control units may communicate with any of the plurality of network devices if the other of the first and second control units fails, and wherein the logical network

interface enables each control unit to simultaneously manage each of the physical communication ports.

Claim 12 recites similar limitations.

Ganmukhi discloses a control processor switchover for a telecommunications switch. Kinoshita discloses an inter-LAN connecting device with a combination of routing and switching functions. Ofek discloses a method for delay monitoring, policing, and billing data packet traffic in a packet switching network. Neither Ganmukhi nor Kinoshita nor Ofek discloses a logical network interface communicatively coupled between the first interface and the first and second control units, wherein the logical network interface is communicatively coupled to each of the physical communication ports of the first interface by at least one signal line such that either one of the first and second control units may communicate with any of the plurality of network devices if the other of the first and second control units fails, and **wherein the logical network interface enables each control unit to simultaneously manage each of the physical communication ports**. These limitations are recited in claims 1 and 12. Therefore, Applicants submit that claims 1 and 12 are patentable over Ganmukhi, Kinoshita, and Ofek.

Claims 3, 4, 6-10 and 13-14, 16 and 17 are dependent claims and distinguish for at least the same reasons as their independent base claim in addition to adding further limitations of their own. Therefore, Applicants submit that claims 3, 4, 6-10 and 13-14, 16 and 17 are patentable over Ganmukhi, Kinoshita, and Ofek for at least the reasons set forth above.

Claims 5 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ganmukhi et al. in view of Kinoshita and further in view of U.S. Patent No. 6,473,421 issued to Tappan.

The Office Action states that Tappan discloses a switching system that uses OSPF for routing packets. Whether or not Tappan discloses such a system, Tappan does not disclose a

logical network interface that enables each control unit to simultaneously manage each of the physical communication ports. Therefore, Tappan does not cure the deficiencies of Ganmukhi and Kinoshita. Neither Ganmukhi nor Kinoshita nor Tappan discloses a logical network interface communicatively coupled between the first interface and the first and second control units, wherein the logical network interface is communicatively coupled to each of the physical communication ports of the first interface by at least one signal line such that either one of the first and second control units may communicate with any of the plurality of network devices if the other of the first and second control units fails, and **wherein the logical network interface enables each control unit to simultaneously manage each of the physical communication ports**. These limitations are recited in claims 5 and 15. Therefore, Applicants submit that claims 5 and 15 are patentable over Ganmukhi, Kinoshita, and Tappan.

Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ganmukhi et al. in view of Kinoshita and further in view of U.S. Patent No. 5,481,673 issued to Michelson.

The Office Action states that Michelson disclose a switching system wherein status information is stored in routing tables. Whether or not Michelson discloses this feature, Michelson does not disclose a logical network interface that enables each control unit to simultaneously manage each of the physical communication ports. Therefore, Michelson does not cure the deficiencies of Ganmukhi and Kinoshita. Neither Ganmukhi nor Kinoshita nor Michelson discloses a logical network interface communicatively coupled between the first interface and the first and second control units, wherein the logical network interface is communicatively coupled to each of the physical communication ports of the first interface by at least one signal line such that either one of the first and second control units may communicate with any of the plurality of network devices if the other of the first and second control units fails, and **wherein the logical network interface enables each control unit to simultaneously**

**manage each of the physical communication ports.** These limitations are recited in claim 11.

Therefore, Applicants submit that claim 11 is patentable over Ganmukhi, Kinoshita, and Michelson.

Claims 18 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ganmukhi et al. in view of Kinoshita.

Neither Ganmukhi nor Kinoshita discloses representing a plurality of physical data communication ports as a corresponding plurality of logical data communications ports such that either one of a first control unit and a second control unit can communicate with any of a plurality of external devices communicatively coupled to both the first and second control units if the other of the first and second control units fails, wherein the logical communications ports are provided by **a logical network interface that enables each control unit to simultaneously manage each of the physical communication ports.** These limitations are recited in claim 18 and 19. Therefore, Applicants submit that claims 18 and 19 are patentable over Ganmukhi and Kinoshita.

Claim 20 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ganmukhi et al. in view of Kinoshita and further in view of U.S. Patent No. 6,147,996 issued to Laor.

The Office Action states that Laor discloses a switching system that performs layer 2 and layer 3 switching. Whether or not Laor discloses such as system, Laor does not disclose representing a plurality of physical data communication ports as a corresponding plurality of logical data communications ports such that either one of a first control unit and a second control unit can communicate with any of a plurality of external devices communicatively coupled to both the first and second control units if the other of the first and second control units fails, wherein the logical communications ports are provided by **a logical network interface that enables each control unit to simultaneously manage each of the physical communication**

**ports.** Therefore, Laor does not cure the deficiencies of Ganmukhi and Kinoshita. Thus, Applicants submit that claim 20 is patentable over Ganmukhi, Kinoshita, and Laor.

Conclusion

In view of the amendments and remarks set forth above, Applicants submit that claims 1 and 3-20 are in condition for allowance and such action is respectfully solicited. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
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Date: 3/8/04

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